

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

2014 AUG 18 P 3:25

U.S. BANKRUPTCY COURT
E.D. MICHIGAN - DETROIT

CITY OF DETROIT, MICHIGAN,
Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

Motion to Participate in Trial and Depositions, and Exhibit List for Objections
of Creditor, Thomas J. Cipollone

Claimant and Creditor, Thomas J. Cipollone, moves to participate in the trial and to depose relevant witnesses, and in support of his Objections to the Bankruptcy Plan filed by the City of Detroit, submits the following as his Exhibit List:

1. Copy of City of Detroit Ordinance, Section 47-1-18 authorizing the Board of Trustees of the Detroit Pension Board to set the rate of interest earned by participants, such as Claimant, Thomas J. Cipollone, in the City of Detroit annuity plan, and copy of August 14, 2014 Memorandum from City of Detroit concerning use of accumulated Sick Leave.
2. At the request of the Bankruptcy Court so as not to be duplicative of other claims and objections, rather than attach many additional pages of legal documents, Claimant instead incorporates by reference the following:
 - a. the United States Constitution,
 - b. United States Statutes, including the United States Bankruptcy Code,
 - c. the Code of Federal Regulations,
 - d. the Michigan Constitution,
 - e. Michigan Statutes and Regulations; and,
 - f. federal and state common law, case law, treatises, evidence (i.e., answers to depositions, interrogatories and admissions) secondary legal authority related to this case and the above primary authority, as well as records on file with this Court.

Signature: Thomas J. Cipollone
Printed Name: THOMAS J. CIPOLLONE
Address: 49850 Joy Road
Plymouth, MI 48170
Dated: August 22, 2014 Phone: 313-582-1898

Sec. 47-1-18. Board of Trustees; Adoption of Mortality and Other Tables of Experience and Rates of Interest; Limitations on Payments By Retirement System.²⁰

(a)

The Board shall adopt such mortality and other tables of experience, and a rate or rates of regular interest, as shall be necessary for the operation of the System on an actuarial basis, provided, that the authority granted by this section shall not permit or be used to provide for an interest rate which would violate the prohibitions of Subsections (b) and (c) of this section.

(b)

The Retirement System and the trustees charged with management of the System shall not make any payment to active or retired participants other than payments that are required by the Retirement System plan as established by this Code to govern the System. This prohibition applies to all payments that are not authorized by this Code, whether such payments be those commonly referred to as a "thirteenth check" or by any other name.

(c)

The Retirement System and the trustees charged with management of the System shall not provide any savings plan, annuity plan, or other participant investment or savings vehicle that provides an annual return to investing participants which in any year is greater than the actual investment return net of expenses of the Retirement System invested reserves for the year in which the return is earned and accrued, provided, that such return shall neither be greater than the assumed annual return as expressed in the plan's valuation for that year nor less than zero. This prohibition shall apply to all payments made to participants in the Defined Contribution Plan of 1973 from the effective date of this amendment.

(Ord. No. 29-01, § 1, 11-30-01; Ord. No. 37-11, § 1, 11-29-11)



CITY OF DETROIT
HUMAN RESOURCES DEPARTMENT
ADMINISTRATION

MEMORANDUM

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 316
DETROIT, MICHIGAN 48226
PHONE: 313•224•3700 TTY:311
FAX: 313•224•1750
WWW.DETROITMI.GOV

To: All City of Detroit Employees

From: Michael A. Hall – Human Resources & Labor Relations Director

Date: August 13, 2014

Re: Special Election for Unused Frozen Sick Leave – REVISED INFORMATION & EXTENDED DEADLINE

It has come to the City's attention that the memo released last week on Tuesday, August 5, may have caused some confusion. *Please refer to the FAQs and Special Election Forms that have been posted on the City's website and on the GRS and PFRS websites for a complete description of the Special Election for Unused Frozen Sick Leave.* Separate FAQs and Special Election Forms have been prepared for GRS active members and PFRS active members.

Please note the new deadline for submitting the Special Election Form to the Retirement System is Friday, August 22.

In order to clarify any misunderstandings the August 5 communication may have created, please note the following:

- **You did not have to retire** on June 30, 2014, in order to make the Special Election. **In addition, you did not have to be eligible to retire** by June 30, 2014, in order to take advantage of the Special Election. However, as provided on the Special Election form, if you make the Special Election and you leave the City before you become eligible to retire under GRS or PFRS, your election will be void and no portion of your unused frozen sick leave bank will be included in your June 30, 2014 Average Final Compensation (AFC).
- For PFRS members, you are eligible to make the Special Election if you are a member of the Detroit Police Lieutenants and Sergeants Association (DPLSA) or the Detroit Police Command Officers Association (DPCOA) who was actively employed by the City on June 30, 2014, and currently have the right to elect to have a portion of your unused accrued frozen sick leave that would have been payable to you at retirement applied to increase the AFC used to calculate your retirement benefit.
- For GRS members, you are eligible to make the Special Election if you were actively employed by the City on June 30, 2014, and currently have the right to elect to have a portion of your unused accrued frozen sick leave that would have been payable to you at retirement applied to increase the AFC used to calculate your retirement benefit.

**PLEASE REFER TO THE FAQs AND SPECIAL ELECTION FORMS
FOR COMPLETE INFORMATION**

DETROIT GENERAL RETIREMENT SYSTEM UNDER THE PLAN OF ADJUSTMENT

FREQUENTLY ASKED PENSION QUESTIONS FOR ACTIVE GENERAL CITY EMPLOYEES RELATING TO BANKED SICK LEAVE

Q1 -- What happens to my accrued or “banked” sick leave after June 30, 2014?

A1 -- Your unused, sick leave banks (which may have been frozen in 2012 or 2013) will not be affected by the June 30, 2014 freeze of GRS. If you currently have the right to make an election to have 25% of the unused accrued frozen sick leave that you are eligible to receive in cash when you retire applied to increase the Average Final Compensation used to calculate your accrued benefit under GRS, you will have a special election to have 25% of the value of the unused frozen sick leave that would be payable to you if you retired as of June 30, 2014 applied to increase the Average Final Compensation used to calculate your frozen accrued benefit. You may know this as the “rollover” amount. See Q&A 3 for more information about the special sick leave election.

Q2 -- Can I still receive a lump sum distribution of a percentage of my accrued sick leave when I retire, even if it is after June 30, 2014?

A2 -- YES. Your eligibility for a lump-sum distribution of a portion of your unused accrued sick leave at retirement is not affected by the June 30, 2014 freeze of GRS. The lump sum payment amount you will receive will vary depending on whether you make a rollover election or you receive full payment of your frozen sick leave bank. See Q&A 3 for more information about the special sick leave election.

Q3 -- Will my accrued sick leave be counted in the Average Final Compensation calculation of my Old GRS Pension when I retire?

A3 -- If you are eligible to rollover 25% of the unused frozen accrued sick leave payable to you in cash when you retire, you may continue to work for the City after June 30, 2014 and make a special election to have 25% of the unused frozen accrued sick leave that would be payable to you in cash if you retired as of June 30, 2014 included in your Average Final Compensation for purposes of calculating your frozen accrued benefit under the Old GRS Pension. Election forms are available on this website, on-line at www.rsed.org and at the Retirement System’s offices. The election form must be signed in the presence of a witness and **must be received by the Retirement System, no later than August 22, 2014**. Please note that the Retirement System’s new address is: **500 Woodward, Ste. 3000**. Your witness may be any adult over the age of 18 who knows you personally and can verify that you signed the election form. Your witness should NOT be an employee of the Retirement System.

If you make this special election, the sick leave that is subject to the election will not be available for you to take as sick leave, nor will it be paid to you in cash when you retire. If you are not eligible to retire when you make this special election and your employment with the City is terminated before you become eligible to retire, the election will be void and your Average Final Compensation will not take into account any of your unused sick leave. If you are a unionized employee and you are not employed by DWSD or DDOT, your accrued sick leave is not counted in your Average Final Compensation calculation.

**GENERAL RETIREMENT SYSTEM
OF THE
CITY OF DETROIT**

SPECIAL ELECTION FOR UNUSED FROZEN SICK LEAVE**

If you are actively employed by the City on June 30, 2014 and you currently have the right to elect to have 25% of the unused accrued frozen sick leave that is payable to you at retirement applied to increase the Average Final Compensation used to calculate your retirement benefit, you will have a special election to have 25% of the value of the unused frozen sick leave that would have been payable to you if you had retired on June 30, 2014 used to increase the Average Final Compensation used to calculate your frozen accrued benefit. If you make this election, your unused frozen sick leave bank will be reduced by the number of hours that are included in your Average Final Compensation calculation and you may not use those hours for sick leave or receive the value in cash when you retire. If you are not eligible to retire as of June 30, 2014 under the terms of the General Retirement System and you leave the City before you become eligible to retire, this election will be void and no portion of your unused frozen sick leave bank will be included in your June 30, 2014 Average Final Compensation.

If you do not make this election or the Retirement System does not **receive** your election **on or before August 22, 2014**, the value of 25% of your unused frozen sick leave bank determined as of June 30, 2014 will NOT be included in your Average Final Compensation. It will be paid to you upon termination of your employment or used by you as sick leave in the usual manner.

Social Security Number _____

I, _____, hereby elect to have the value of 25% of the unused sick leave that would have been payable to me if I had retired on June 30, 2014 included in my Average Final Compensation calculation, solely for the purpose of determining my frozen accrued benefit as of June 30, 2014 under the General Retirement System.

I UNDERSTAND THAT THE ABOVE ELECTION IS FINAL AND BINDING *AND I MAY NOT REVOKE IT.*

Signature

Date

Witness Signature

Date

Your witness may be any adult (over the age of 18) who knows you and can verify that you signed the Election Form. Your signature should **NOT** be witnessed by a Retirement System employee.

**** THIS FORM MUST BE RECEIVED IN THE RETIREMENT SYSTEM OFFICE BY AUGUST 22nd**

*****NEW ADDRESS: 500 WOODWARD, STE. 3000*****

FILED

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J.S. BANKRUPTCY COURT
E.D. MICHIGAN DETROIT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CITY OF DETROIT, MICHIGAN,
Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

CERTIFICATE OF SERVICE

I, Thomas J. Cipollone, hereby certify that the foregoing Motion to Participate in Trial and Depositions, and Exhibit List for Objections of Creditor, Thomas J. Cipollone and Objecting Creditor, Thomas J. Cipollone's Supplemental Objections and Issues Relating to Confirmation were filed and served via the Court's electronic case filing and noticing system on August 18, 2014.

Thomas J. Cipollone
Thomas J. Cipollone
49850 Joy Road
Plymouth, Michigan
48170
Telephone: 313-582-1898